



IFW

Docket No.: 59036-028

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Sergey N. RAZUMOV	:	Confirmation Number: 5567
Application No.: 10/046,309	:	Group Art Unit: 2165
Filed: January 16, 2002	:	Examiner: Mark A. Fadok
For: SYSTEM FOR PREVENTING UNAUTHORIZED ACCESS TO PRODUCTS IN RETAIL SYSTEM		

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response is submitted in response to the Office Action mailed January 3, 2005.

The Election/Restriction Requirement raised in the Office Action of November 16, 2004 is respectfully traversed for the following reasons.

In accordance with MPEP 806.04(f), the claims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first.

However, the present Election/Restriction Requirement restricts claims, which are not mutually exclusive, to different species.

For example, the Requirement restricts claims 6, 7 to one set of species, and claims 11-17 to another set of species. However, under the disclosure, limitations of claims 11-17 do not exclude limitations of claims 6, 7.

Further, claims 32 and 33 are restricted to different species. However, under the disclosure, limitations of these claims are not mutually exclusive.

Therefore, the withdrawal of the Election/Restriction Requirement is respectfully requested.

However, noting the Office Action wherein election/restriction has been required, Applicant hereby elects Group IM (claims 1, 3, 4, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36) for prosecution in the above-identified application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Please recognize our Customer No. 20277
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